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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/811,406 | 03/26/2004 | Masatoshi Masuda | SCCO.015AUS | 3280 |
| 20995 7590 06/06/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614 | | | EXAMINER JACYNA, J CASIMER | |
| | | | ART UNIT 3754 | PAPER NUMBER |
| | | | NOTIFICATION DATE 06/06/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/811,406

Applicant(s)

MASUDA, MASATOSHI

Examiner

J. Casimer Jacyna

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>111504; 032604</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claim 14 is objected to because of the following informalities: It ends with a double period. Appropriate correction is required.
2. Claims 10 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 10 and 22 are incomplete because they do not specify the element that connects the container to the supply port. There is a missing element after the word "by" at the end of both claims.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 10, 15-17 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (4,456,152). Young discloses a pumping apparatus including a drive mechanism 36, a cylinder 12, a discharge port 34, a supply port 19, a top opening at 48, an outflow valve 32, an inflow valve 26, a piston 37, and a piston support 35 that is detachably connected to 36 by the threads shown in figure 2. In regard to claim 4, the inflow valve is angled at ninety degrees.
5. Claims 1-11, 15-17 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cozzoli (2,415,419). Cozzoli discloses a pumping apparatus including a drive mechanism having a ball screw as claimed 76 wherein 76 is screwed onto 79, a motor 12, gearing 13, 15, 17, 19, 105 which gearing is adjustable with 106 and 61, a cylinder 35, a discharge port 49, a supply port 43, a top opening at 59, an outflow valve

51, an inflow valve 41 coupled to the supply port as claimed via 44, a piston 57, a piston support 58 that is detachably connected to drive 65 and 68 by 66 and a receiver connection 122, 126. In regard to claim 4, the inflow valve is angled at zero degrees.

6. Claims 1-5, 9, 10, 15-18, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sweeny (5,865,226). Sweeny discloses a pumping apparatus including a drive mechanism 55, a cylinder 75, a discharge port 30, a slanted supply port 40, a top opening for the cylinder as claimed at 125 (note that there is no claimed orientation for the cylinder and portion 125 constitutes a cap or top opening for the insertion of the piston), an outflow valve 135, an inflow valve 60, a piston 100, a piston support 102 that is detachably connected to the drive at 130 and a supply tank 15. In regard to claim 4, the inflow valve is angled at zero degrees.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12-14, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (4,456,152) in view of Katsura (2001/0018930). Young discloses a pumping apparatus with check valves substantially as claimed but does not disclose the use of resin material for the check valves. However, Katsura teaches another check valve for use in a pumping apparatus having a single piece valve head made from a resin (see abstract) with a resinous valve seat (paragraph 23, line 12) for the purpose of improving the seating properties of the valve. Therefore, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of Young with a check valve as, for example, taught by Katsura in order to improve the seating properties of the valve.

9. Claims 12-14, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cozzoli (2,415,419) in view of Katsura (2001/0018930). Cozzoli discloses a pumping apparatus with check valves substantially as claimed but does not disclose the use of resin material for the check valves. However, Katsura teaches another check valve for use in a pumping apparatus having a single piece valve head made from a resin (see abstract) with a resinous valve seat (paragraph 23, line 12) for the purpose of improving the seating properties of the valve. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of Cozzoli with a check valve as, for example, taught by Katsura in order to improve the seating properties of the valve.

10. Claims 12-14, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweeny (5,865,226) in view of Katsura (2001/0018930). Young discloses a pumping apparatus with check valves substantially as claimed but does not disclose the use of resin material for the check valves. However, Katsura teaches another check valve for use in a pumping apparatus having a single piece valve head made from a resin (see abstract) with a resinous valve seat (paragraph 23, line 12) for the purpose of improving the seating properties of the valve. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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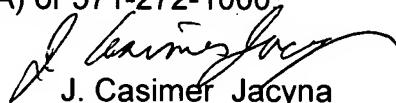
provide the apparatus of Sweeny with a check valve as, for example, taught by Katsura in order to improve the seating properties of the valve.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herzog teaches a pumping apparatus with a screw adjustment mechanism 45. Buckley and Kanematsu teach other pumping apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



J. Casimer Jacyna
Primary Examiner
Art Unit 3754

CJ